

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOUSTEAD SECURITIES, LLC,

Plaintiff,

-v-

LEAPING GROUP CO., LTD., AND ATIF
HOLDINGS LIMITED,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/30/2025**ORDER**

20-CV-03749 (VEC) (HJR)

HENRY J. RICARDO, United States Magistrate Judge.

Upon reviewing the documents and expert testimony provided by plaintiff Boustead Securities (“Boustead”) in support of its claim for damages following the default of defendant Leaping Group (“Leaping”), the Court took note of the following:

Expert witness Patrick O’Shea testified that, when calculating the value of the warrants that Leaping was required to provide Plaintiff under the terms of their contract, he applied a 20 percent premium to the share price to determine the execution price. Hearing Transcript, Dkt. No. 194, at 13:3–15. *See also* Dkt. No. 186-1 at 8–9. He testified that this 20 percent premium was specified by the contract between Boustead and Leaping. Hearing Transcript at 13:12–15.

Upon review, it appears that the contract between Boustead and Leaping does not provide for this 20 percent premium. Dkt. No. 5-1 at 3. The warrant provision in the contract between Boustead and ATIF Holdings (“ATIF”) was initially identical to the warrant provision in the agreement between Boustead and

Leaping. Dkt. No. 5-4 at 3. The Boustead-ATIF contract was later amended to provide for the 20 percent premium. Dkt. No. 5-5 at 2. However, the Court has not been provided a copy of an analogous amendment to the contract between Boustead and Leaping. The Court also notes that the Second Amended Complaint describes the amendment to the contract between Boustead and ATIF which set the 20 percent premium, but does not describe any such amendment with regard to Boustead and Leaping. *Compare* Dkt. No. 115 ¶¶ 19–28 with Dkt. No. 53 ¶ 32.

By June 13, 2025, Boustead is directed to submit a supplemental filing on how it wishes to address the appropriate execution price in valuing the warrants, including whether it wishes to present additional testimony.

SO ORDERED.

Dated: May 30, 2025
New York, New York



Henry J. Ricardo
United States Magistrate Judge